

In the United States District Court for the Southern District of Illinois

William Mabie  
PLAINTIFF

V.

T.B.A.

United States Attorneys Office (E.D. MO)

Federal Bureau of Investigation

United States Bureau of Prisons

DEFENDANTS

18-cv-1939-SMY-DGW

FREEDOM OF INFORMATION ACT ENFORCEMENT SUIT

Comes now plaintiff acting pro se requesting Court order  
prompt compliance with Freedom of Information Act, as  
in public interest for justice.

I United States Attorneys Office, Eastern District of Missouri, now  
represented by Executive Counsel, for United States Attorney  
at suite 7300 Bicentennial BLDG 600 E. STREET NW 20530  
Washington D.C. FOIA# 2018-02400

In February of 2018 USAO received a FOIA request  
from plaintiff regarding plaintiff's own complaint made  
to U.S.A.O. - E.D. MO., via the USAO website.

To date USAO E.C. has offered no reasonable excuse  
for delay (Don't seized & destroyed Plaintiff computer, stopping that avenue.)

As these are purely electronic response requests, these  
can literally be pulled up, and printed out in minutes  
if not seconds.

Plaintiff staunchly believes delay is malicious. This  
information was suppressed TWICE by USAO in  
criminal prosecutions. This evidence would defeat USAO  
story in those prosecutions of "never made a complaint"  
which would be a significant change - putting this into  
a 1st amendment issue; these e-mails are exculpatory

\* 4:09cr00351 ERW & 14cr30076 MTR each for 18 USC 876 (c) <sup>FN1</sup>

In re: US v ELONIS both are under appeal, so a timely  
production will affect criminal proceeding.

<sup>FN1</sup> 18 USC 876 (c) is Mail Threatening Communication, combined, Plaintiff was  
sentenced to 268 months imprisonment

II Federal Bureau of Investigation - FOIA LIAISON

170 Marcel, Winchester VA 22602 -4843 \* 1396208 -000

F.B.I. Liaison was contacted in January of 2018, also seeking plaintiffs own complaints and statements to F.B.I. ST. LOUIS MO 2222 MARKET ST, Electronically from 10/27/07, to 8/4/08, and a written complaint in re: AUSA John James Ware made in March of 2013.

Likewise, these complaints alter the background that government put forth in cases 4:09-cr-00351-ERW and 14-cr-30076-MJR.

These cases netted 268 months of incarceration. Government should have turned such documents of plaintiff over in discovery, but was allowed to slip by as "endlessly arduous" recovery - without showing any recovery effort at all.

There is no sane justification to take in excess of six months, for a 5 minute recovery. Again plaintiff firmly believes suppression is an illegal act which enabled a false portrayal in a criminal case.

III Federal Bureau of Prisons, Regional Counsel

400 State Avenue, Tower 11 suite 800 Kansas City, Kansas 66101

This FOIA \*\*-2018-04523 refused, borders on the insane side, no logic on B.O.P. story.

Requested was a complaint, made by Captain Michael Deeba of St Louis Metropolitan Police Department - ST LOUIS MO, against plaintiff, specifically WHICH OFFICE DID DEEBA COMPLAINT originate from? (most likely 3157 Sublette ave.)

B.O.P. refuses under 5 USC 552(6)(7)(C) privacy & 5 USC 552(6)(7)(E) procedure for law enforcement, 5 USC 552(6)(7)(F) endanger life. DOWN RIGHT WACKY!

1. The case has already been prosecuted

2. It is my privacy

3. What possible "procedure" could be involved?

4. How would it "endanger" a life to know WHICH POLICE BUILDING it came from??

Need, on the other hand, is tangible.

III - in prosecution of 14ex30076 MJR, USAO withheld this, and defense not allowed to question, forever with USSC decision in US v. ELONIS (on 18usc875(c) case) changes what is relevant. Here, that the complainant - Captain Deepa SLM PD, would have been SUPERVISOR, at 3157 Sublette, this brings case - properly - to a 1<sup>st</sup> amendment area.

In any viewpoint - the address of a government building, from which complaint originated is scarcely "confidential".

In each instance public interest is squarely on side of disclosor, and in timely manner.

Prompt resolution would have issue ready to present, if need be to USCA 7<sup>th</sup>, which would be before end of year, in appeals 1396 RHM, 1287 MJR both at 2255 right now. Each entity has taken time many times over what statute requires, 21 days, or 60 days, now exceeds 200 days and can not be said that any entity is dealing in good faith.

Special note: I had previously filed an F.O.I. suit against USMS - see 01276 JPG in this court. The USMS partial response raised a new possibility - and I moved to add production of a video to that suit. Should Court decide to decline that motion, I wish to preserve right to add USMS as litigant to this suit.

William Mabie

Certificate of Service, Jurisdiction statement, sworn affidavit against perjury attached; as well as Motion to proceed in FORMA PAUPERIS

## Jurisdiction

Action is requested under 5 USC 552, a U.S. statute.  
Plaintiff resides in Southern District of Illinois. (MARION U.S.A.)  
All Defendant parties are Federal agencies  
All requests to parties were made six months ago, or more,  
the time to respond limits of 5 USC 552 have been exceeded.  
Action originated in E.D. MO.

### - Motion to Proceed in Forma Pauperis

Plaintiff is without funds, and has been for more than six months, requests Court grant In Forma Pauperis, proceed with case without pre-payment of fees, as plaintiff is indigent - form attached. William Malbie

### Parties

PLAINTIFF - William Malbie U.S. Penitentiary P.O. Box 1000 Marion IL 62959

### DEFENDANTS

1. United States Attorneys Office, Executive Counsel suite 7300 Bicentennial building 600 E Street Washington DC 20530 FOIA NO# 2018-02400
2. Federal Bureau of Investigation, 170 Marcel drive Winchester VA 22602-4843 FOIA # 1396208-000
3. Federal Bureau of Prisons 400 State Avenue Tower II suite 800 Kansas City KS 66101 FOIA # 2018-04523

### - Certificate of Service

Copies placed in mail this date 10/2/18 to all parties  
William Malbie

### - All statements herein are true under penalty of perjury

William Malbie